

Minutes of Special and Regular Meeting of August 9, 2011
One Twin Pines Lane

SPECIAL MEETINGS

CLOSED SESSION - 6:30 P.M.

- A. Conference with Labor Negotiator, Greg Scoles, pursuant to Government Code Section 54957.6: BPOA
- B. Conference regarding Public Employee Appointment Pursuant to Government Code Section 54957: City Attorney

Attended by: Councilmembers Feierbach, Wozniak, Lieberman, Warden (arr. 7:00 P.M.), City Manager Scoles, Interim City Attorney Kane (Item A only), Police Chief Mattei (Item A only), Police Captain DeSmidt (Item A only), Finance Director Fil (Item A only). Councilmember Braunstein was absent and City Clerk Cook was excused from attending.

ADJOURNMENT at this time being 7:45 P.M.

Terri Cook
Belmont City Clerk

This meeting was not tape recorded or videotaped

REGULAR MEETING – CALL TO ORDER 7:40 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Lieberman, Wozniak, Warden

COUNCILMEMBERS ABSENT: Braunstein

Staff Present: City Manager Scoles, Interim City Attorney Kane, Finance Director Fil, Police Chief Mattei, Community Development Director de Melo, Parks and Recreation Director Gervais, Public Works Director Oskoui, City Treasurer Violet, City Clerk Cook

PLEDGE OF ALLEGIANCE

Led by Councilmember Lieberman.

REPORT FROM CLOSED SESSION

Interim City Attorney Kane stated that direction was given but no action taken during the Closed Session held previously. She clarified that she was present only for Closed Session Item A.

SPECIAL PRESENTATIONS

Proclamation In Recognition of Ava Tsou, Central Elementary Student, for winning Sam Trans bus art contest

Mayor Feierbach read the Proclamation and presented it to Ms. Tsou.

Presentation from County of San Mateo on Energy Upgrade Program

Douglas Alfaro, San Mateo County Energy Upgrade Program Coordinator, highlighted the program and resources available to the public. He noted that in the spring of 2010, all 20 cities in San Mateo County took action to participate in this program, which has now expanded state-wide. He outlined the resources and rebates available to make energy updates and upgrades to single- and multi-family homes. He noted that the County of San Mateo has provided matching funds to double the amount of dollars available. He described the goals of the program, and pointed out that it also creates new jobs for participating contractors.

In response to Council questions, Mr. Alfaro stated that the program will continue while funds last or until March of 2012, whichever comes first. He explained that rebates could continue past that date.

Councilmember Wozniak suggested that Mr. Alfaro make contact with the Green Advisory Committee, the Belmont Senior Club, and make the information available at the Belmont Library.

Proclamations to Carlos de Melo and Jonathan Gervais for Extraordinary Service as Co-Interim Public Works Directors

Mayor Feierbach read the proclamations.

Parks and Recreation Director Gervais thanked his family and Community Development Director de Melo for their support during this interim assignment.

Community Development Director de Melo thanked his family and Parks and Recreation Director Gervais. He noted that they worked well together, and that this was a learning experience.

City Manager Scoles introduced Afshin Oskoui, the new Public Works Director.

Public Works Director Oskoui stated that he is excited to join the Belmont team. He noted that staff has been welcoming. He stated that he has been working in a larger city and now has the opportunity to work at the neighborhood level.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Dolly Goyal, Belmont Library Teen Services Librarian, provided an update on upcoming teen activities and programs. She described changes that will be made in some areas of the library to provide for more interactivity and to limit the impact on other library users during peak times. She announced that through a partnership with the Parks and Recreation Department, she would be taking over the coordination of the VOICES (Volunteer Outreach In Community Events) Program.

Peter Perry, Belmont resident, complimented the Parks and Recreation brochure as a good document. He noted that it is difficult to find other information such as the Budget, remuneration to elected officials and City Councilmembers, details on roads, road work completed and forthcoming road work, number of tickets issued, the number of employees, and the status of pensions. He expressed concern regarding speeding vehicles on Lyall Way and suggested that the police department patrol there more often. He stated that Channel 27 is underutilized, and suggested that stories be read to children over the television.

Mayor Feierbach concurred with Mr. Perry's comments regarding the underutilization of Channel 27.

Councilmember Wozniak stated that the information being sought by Mr. Perry is available, but is sometimes difficult to find.

RECESS: 8:20 P.M. (to consider the Belmont Fire Protection District Agenda)
RECONVENE: 8:30 P.M.

CONSENT CALENDAR

Mayor Feierbach expressed concern that much staff time has to be expended in preparing responses to the Grand Jury Reports.

In response to Council questions, City Manager Scoles explained that under State law, the Grand Jury has the authority to look into a wide variety of issues which are generated by the Grand Jury members themselves or members of the public. He noted that its investigations and subsequent reports often result in changes in policies and procedures by local entities and organizations.

Approval of Minutes of Special and Regular Meeting of June 14, 2011, Special and Regular Meeting of June 28, 2011, Special Meeting of July 8, 2011 (Closed Session), and Special and Regular Meeting of July 12, 2011

Motion to Receive Monthly Financial Reports

Motion to Approve City of Belmont Response to San Mateo Grand Jury Report Titled, "Running on Empty?" Regarding Fund Balance and Financial Matters

Motion to Approve City of Belmont Response to San Mateo Grand Jury Report, Titled, "Cell Towers: Public Opposition and Revenue Source" (cont. from 7/12/11)

Motion to Approve City of Belmont Response to San Mateo Grand Jury Report, Titled, "Tasers, Standardizing to Save Lives and Reduce Injuries"

Approval of Resolution 10406 Authorizing the Renewal of a Three Year Contract with Mission Communication, LLC, a Sole Provider for Alarm Communication for the Sewer and Storm Pump Stations for an Amount not to Exceed \$19,000

Approval of Resolution 10407 Directing the City Manager to enter into a Professional Service Agreement (PSA) Between the City of Belmont and Geier and Geier Consulting for a total amount

not to exceed \$31,950 for an Environmental Review for a proposed four lot subdivision at 1320 Talbyrn Drive

Approval of Resolution 10408 Directing the City Manager to enter into a Professional Service Agreement (PSA) with RCC Consultants for an amount not to exceed \$7,530 to evaluate the AT&T Proposal to Install Telecommunication Facilities at 550 Island Parkway (Applicant Funded Study)

Approval of Resolution 10409 Approving Plans and Specifications, Authorizing Advertisement for Sealed Bids, Approving Award of Contract to the Lowest Responsible Bidder for an Amount not to Exceed \$550,000, Approving a Construction Contingency not to Exceed \$55,000, Authorizing the City Manager to Execute a Contract for the 2011 Storm Drain Improvement Project, City Contract Number 510

Approval of Resolution 10410 Approving a Professional Service Agreement (PSA) with Knapp Consulting for an Amount not to Exceed \$125,000 for Preparation of the City of Belmont General Plan Update Project

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Lieberman, the Consent Agenda was unanimously approved by a show of hands (4-0, Braunstein absent).

RECESS: 8:35 P.M.

RECONVENE: 8:40 P.M.

HEARINGS

Public Hearing to Consider Text Amendments to Belmont Municipal Code Chapter 25 As Related to the Assessment and Protection of Trees (continued from 7/12/11)

Community Development Director de Melo summarized the Tree Ordinance Ad Hoc Committee's recent discussion on this matter. He outlined the substantive changes that were made to the draft ordinance as a result of direction at the July 12th City Council meeting.

In response to Councilmember Wozniak, Community Development Director de Melo clarified that 4.5 feet is the industry standard height for dimension at breast height (DBH). He noted that some cities use different heights for their ordinances. Councilmember Wozniak recommended including the measurement in figures wherever DBH appears in the ordinance. She also suggested further refining the definition of tree in that it does not include bushes.

In response to Councilmember Warden, Community Development Director de Melo stated that many trees have multiple trunks. Interim City Attorney Kane stated that the City Council could limit the number of multiple trunks in the definitions section of the ordinance.

Discussion ensued.

Community Development Director de Melo noted that the City Arborist was present at the most recent Ad Hoc Committee meeting, who supports the proposed ordinance.

Parks and Recreation Director Gervais stated that the Tree Board could produce a list of trees governed by the ordinance. He suggested that the ordinance be more generic, since trees go in and out of fashion.

Community Development Director de Melo clarified that an administrative permit will be issued for three nondiscretionary species -- acacia, eucalyptus and Monterey pine -- and that tree replacement will be required when these species are removed.

Councilmember Wozniak suggested that an in-lieu fee be paid if the property owner is unable to replace the tree on site, or they could offer to plant a tree elsewhere.

Mayor Feierbach suggested that stump removal be addressed in the ordinance.

Parks and Recreation Director Gervais stated that there is currently no fee for a tree removal permit, and the fee can be added to the Master Revenue Schedule at the mid-year budget. He clarified that there will be no fee if a permit is not issued or needed.

Parks and Recreation Director Gervais noted that a fee of \$75 would likely cover the cost to issue a permit.

Councilmember Wozniak stated that there is a difference between trees in front yards and those in backyards. She expressed a desire to address property owners who have pre-planted new trees for future tree removal. Community Development Director de Melo clarified that the ordinance addresses this issue.

Councilmember Warden expressed concern regarding cost recovery for the Tree Board and associated staff time.

Mayor Feierbach recommended a one-year review of the new ordinance, once adopted.

Mayor Feierbach opened the Public Hearing.

Judy King, Tree Ordinance Ad-Hoc Committee Member, urged adoption of the proposed ordinance. She noted that the committee spent many hours developing this user-friendly document.

Kristin Mercer, Belmont resident, stated that Belmont is a Tree City, and that the proposed ordinance is more lenient than other similar cities. She noted that whether a tree is in the front or back yard does not matter. She commented that the ordinance streamlines the permit process, and contains an appeal provision that other cities do not have. She expressed support for the proposed 10 inches at DBH definition, and she commented that she would like the ordinance to be stricter.

Kevin Sullivan, Belmont resident, stated that he agreed with the other speakers. He noted that too much deference was given to the minority opinion on this matter. He commented that the Ad Hoc Committee spent considerable work on this document, and was in full consensus. He expressed support for the 10 inches at DBH definition, and that the inspector be given discretion. He stated that harsh penalties are not likely to happen.

Councilmember Warden questioned what the consequences would be if someone cuts a tree without a permit.

Councilmember Lieberman stated that tree companies are likely to be the enforcer, since the size of the tree requiring a permit is a substantial tree that will need to be removed by a tree company.

Interim City Attorney Kane explained that the City could still require replacement or the payment of in-lieu fees for any incidences cited by Councilmember Warden. She noted that it is unlikely that anyone would be sent to jail for a violation.

Parks and Recreation Director Gervais stated that many tree issues are related to tree topping, which is sometimes performed by a gardener rather than a tree company.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Lieberman, the Public Hearing was unanimously closed by a show of hands (4-0, Braunstein absent).

Councilmember Wozniak expressed support for the ordinance. She noted that other cities' ordinances are stricter. She expressed concern regarding an appeal process. City Manager Scoles clarified that an applicant can appeal to the City Council.

Councilmember Lieberman expressed his general support for the ordinance. He noted that it was helpful to be provided with the information from other cities. He expressed concern regarding the requirement of a permit for non-native species, especially acacia, pine and eucalyptus. He supports a one-year review of the new ordinance.

Councilmember Warden stated that he trusts the Tree Board to make appropriate decisions.

ACTION: On a motion by Councilmember Lieberman, seconded by Councilmember Wozniak, and unanimously approved by a show of hands (4-0, Braunstein absent) to introduce an Ordinance Amending Belmont Municipal Code Chapter 25 as Related to the Assessment and Protection of Trees, to waive further reading, and to set the second reading and adoption for August 23, 2011.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Wozniak provided an overview of a recent Peninsula Cities Consortium (PCC) meeting relative to high speed rail. She noted that there was discussion regarding formal support for Cal Train, and the majority of the membership preferred to focus its efforts solely on high speed rail. She stated that Atherton and Menlo Park are paying for a lobbyist, and there may be a future request for other cities to contribute towards those costs. She also noted that the compensation package for employees of the Peninsula Congestion Relief Alliance is being reviewed.

Verbal Report from City Manager

City Manager Scoles provided an update on the street project at Sixth and O'Neill Avenues. He noted that some night work would be occurring on the current slurry seal project in order to mitigate the impact on traffic. He provided a brief overview of National Night Out activities held on August 2nd. He stated that the Belmont Fire Protection District made 24 offers of jobs, all of which were accepted. He explained that the City of San Carlos has made offers to the remainder of the fire staff.

Mayor Feierbach noted that there continues to be a problem with temporary real estate signs, which are in violation of the sign ordinance. She stated that violations could pose a liability risk.

ADJOURNMENT at this time, being 9:45 P.M.

**Terri Cook
City Clerk**

Meeting Tape Recorded and Videotaped
Audio Recording 795